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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,787	06/17/2005	Stefan Aberg	915-008.036	4876

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EXAMINER
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FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2437

MAIL DATE	DELIVERY MODE
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08/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/539,787

**Applicant(s)**

ABERG ET AL.

**Examiner**

COURTNEY D. FIELDS

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 13, 22, and 28 have been amended.
2. Claims 1-33 are pending

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 June 2009 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 22-33 discloses apparatus claims (i.e. wireless terminal), respectively; however, there is no structure or hardware of the apparatus recited within the claims, which makes the scope of the apparatus claims unclear.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 22-33 are also rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 22 calls for a wireless terminal (i.e., an apparatus/device); however, as aforementioned, no hardware/structure of the terminal is recited. Plus, it appears that the claim functions may be implemented by software. As such, claim 23 does not fall within any of the four statutory classes.

Claims 23-33 are also rejected under 35 USC 101, because they do not cure the deficiency of claim 22.

#### ***Claim Objections***

7. Claims 32 and 33 are objected to because of the following informalities: The claim language "The method as claimed in claim 22" should be changed to – The wireless terminal as claimed in claim 22--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (Pub No. 2002/0086706).

Referring to the rejection of claims 1, 13, and 22, Chen et al. discloses a method, apparatus, and wireless terminal comprising:

initiating, from a wireless terminal, transmission of a first set of user identification parameters to a server over a first communication path (i.e. SMS); (See page 2, Section 0036 and Figure 1)

transmitting, from the wireless terminal, a second set of user identification parameters to the server over a second communication path (i.e. WAP); (See page 3, Section 0037)

obtaining access, at the wireless terminal to a service in dependence on an authentication by the server based on a match between the first set of user identification parameters and the second set of user identification parameters. (See pages 4 and 6, Section 0053 and 0071)

Referring to the rejection of claims 2, 14, and 23, Chen et al. discloses the claimed limitation wherein said initiating includes initiating the transmission of (Short Message Service) message, which includes the first set of user identification parameters, from a (Short Message Service Center) to the server. (See page 3, Section 0044)

Referring to the rejection of claims 3, 15, and 24, Chen et al. discloses the claimed limitation wherein each set of said first set of user identification parameters and said second set of user identification parameters includes a user identification parameter and a password parameter. (See page 6, Sections 0069-0071)

Referring to the rejection of claims 4, 16, and 25, Chen et al. discloses the claimed limitation wherein the user identification parameter is a user name or (Mobile Station Integrated Services Digital Network) number. (See page 4, Sections 0041-0042)

Referring to the rejection of claims 5, 17, and 26, Chen et al. discloses the claimed limitation wherein the password parameter is a (Personal Identity Number) code. (See page 6, Section 0071)

Referring to the rejection of claims 6, 18, and 27, Chen et al. discloses the claimed limitation wherein authentication further is based on the transmission of said second set of user identification parameters within a predefined time limit following the transmission of said first set of user identification parameters. (See page 6, Section 0073)

Referring to the rejection of claims 7 and 28, Chen et al. discloses the claimed limitation wherein said transmitting step involving the second set of user identification

parameters is effectuated by using a uniform resource locator bookmark stored in the wireless terminal and designating the server. (See page 4, Sections 0048 and 0050)

Referring to the rejection of claims 8 and 29, Chen et al. discloses the claimed limitation wherein the uniform resource locator is user specific and includes a user name encrypted with a key only known to the server. (See page 6, Section 0069)

Referring to the rejection of claims 9 and 30, Chen et al. discloses the claimed limitation wherein the uniform resource locator previously has been received from a corporate intranet as an OTA bookmark. (See page 4, Section 0050)

Referring to the rejection of claims 10, 19, and 31, Chen et al. discloses the claimed limitation wherein said transmitting step includes transmitting the second set of user identification parameters over a (Wireless Application Protocol) session established between the wireless terminal and the server. (See page 3, Section 0037 and 0045)

Referring to the rejection of claims 11, 20 and 32, Chen et al. discloses the claimed limitation wherein the service is administrated by the server and the service concerns an electronic mailbox account associated with the user. (See pages 4-5, Section 0055 and 0063s)

Referring to the rejection of claims 12, 21, and 33, Chen et al. discloses the claimed limitation wherein said transmitting step includes transmitting the second set of user identification parameters over a voice session established with the server (See page 6, Section 0071), and wherein the server, by means of text-to-speech and speech-to-text conversion (See page 6, Section 0068), provides the user with said service for listening to, and initiating transmission of, electronic mails via an electronic mailbox account associated with the user. (See page 3, Section 0042)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is (571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Courtney D. Fields/  
Examiner, Art Unit 2437  
August 11, 2009

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437